

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 10.64.201 pertaining to school) PROPOSED AMENDMENT
bus drivers)

TO: All Concerned Persons

1. On June 26, 2014, at 10:00 a.m., the Board of Public Education will hold a public hearing in the Superintendent's conference room at the Office of Public Instruction, 1227 11th Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on June 19, 2014, to advise us of the nature of the accommodation that you need. Please contact Peter Donovan, Executive Secretary, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail pdonovan@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

10.64.201 SCHOOL BUS DRIVERS QUALIFICATIONS (1) In addition to the school bus driver qualifications ~~specifically~~ set forth in 20-10-103, MCA, the Board of Public Education requires that ~~a person shall have~~ school bus drivers must obtain a Montana school bus driver certificate (form TR-35) pursuant to the requirements of ARM 10.7.111, by submitting proof of the following:

(a) a minimum of five years of licensed driving experience; ~~to qualify to drive a school bus.~~

(b) no record of criminal offenses indicating they may be dangerous to children, as evidenced by a criminal background check provided to and approved by the school district prior to initial employment;

(c) a satisfactory report of a physical examination as prescribed by 20-10-103, MCA;

(d) a current first aid certificate meeting the requirements of ARM 10.7.111;

(e) a properly endorsed commercial driver's license (CDL) with continuing compliance with all of the requirements associated with that license; and

(f) a safe driving record, which may not have evidence of any of the following:

(i) more than one moving traffic violation within any 12-month period of the preceding 36 months;

(ii) any conviction for driving under the influence of alcohol or drugs within the preceding 36 months; or

(iii) a conviction resulting in mandatory revocation or suspension of a driver's

license in the previous five years.

AUTH: 20-2-121, MCA

IMP: 20-10-103, 20-10-111, MCA

REASON: A 2013 Legislative Audit on Pupil Transportation recommended the establishment of criteria for, and review of, bus driver license status and character qualifications. The Board of Public Education establishes the qualifications of bus drivers pursuant to 20-10-103 and 20-2-121, MCA, but does not have a system of licensure for school bus drivers. As such, the hiring school districts should have the authority, responsibility, and discretion to review and consider criminal background information on prospective driver employees to address safety concerns related to unsupervised contact with students.

Commercial driver licenses (CDLs) are regulated by the U.S. Department of Transportation and Montana Department of Justice, Motor Vehicle Division. There are strict driving requirements already in place for initial licensure, specialized endorsements, and ongoing retention of a CDL. Employers must be notified of driving violations resulting in any suspension or revocation of a CDL. Compliance with existing CDL regulations addresses review of driving records for bus drivers.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Peter Donovan, Executive Secretary, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail pdonovan@mt.gov and must be received no later than 5:00 p.m., June 26, 2014.

5. Peter Donovan has been designated to preside over and conduct this hearing.

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the board.

7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its

web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Peter Donovan
Peter Donovan
Rule Reviewer

/s/ Sharon Carroll
Sharon Carroll
Board Chair
Board of Public Education

Certified to the Secretary of State May 12, 2014.